



1/AP7 REC UPTO 22 MAY 2006:PT

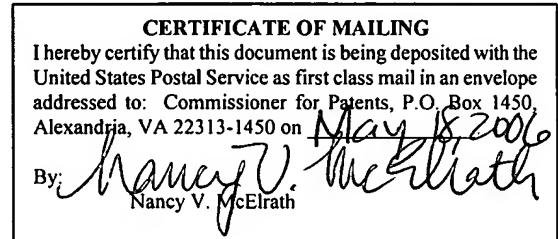
Atty. Docket No. UCIVN-025US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Breen, Peter H.)
)
U.S. App. No.: 10/530,603)
)
Int. App. No.: PCT/US03/32654)
)
Int. Filing Date: 10/14/2003)
)
For: Stand-Alone Circle Circuit with)
CO₂ Absorption and Sensitive)
Spirometry for Measurement of)
Pulmonary Uptake)

Art Unit: Unassigned

Examiner: Unassigned



Transmittal Letter
Information Disclosure Statement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. ☒ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).
2. ☐ The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but *before* the mailing date of either:

- (1) a final action under § 1.113 or
- (2) a notice of allowance under §1.311, whichever occurs first.

CERTIFICATION OR FEE

A. Included with this transmittal is

- i. ☐ a certification (set forth below) in accordance with 37 C.F.R. § 1.97(e). (If for any reason the certificate set forth below should be unsatisfactory, the Commissioner is provisionally authorized to charge the \$210 fee (37 C.F.R. § 1.17(p)) to Deposit Account No. 50-0878. A duplicate copy of this sheet is enclosed.)

OR

- ii. ☐ the attached fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

- 3. ☐ The information disclosure statement transmitted herewith is being filed *after* a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before, or simultaneously with the payment of the issue fee (37 C.F.R. § 1.97 (d)); and
 - ☐ Set forth below is a certification as specified in 37 C.F.R. § 1.97(e).
 - ☐ This information disclosure statement is being filed along with a Request for Continued Examination and fee required under 37 C.F.R. § 1.17(e).

CERTIFICATION

(Required if 2Ai or 3 above is marked)

- 4. I, the person signing below, certify
 - ☐ that each item of information contained in the information disclosure statement was cited in the attached communication from a foreign patent office in a

counterpart foreign application and that the communication is dated not more than three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(1).

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(2).
5. ☒ If it should be determined that for any reason either an insufficient fee or an excessive fee has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-0878. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP



Date: May 16, 2006

Robert D. Buyan, Reg. No. 32,460

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For: Stand-Alone Circle Circuit with)
CO₂ Absorption and Sensitive)
Spirometry for Measurement of)
Pulmonary Uptake)

Art Unit: Unassigned

Examiner: Unassigned

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 18, 2006

By:

Nancy V. McElrath

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 CFR SECTION 1.97(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR Section 1.97(c) (as amended on March 16, 1992), the following Information Disclosure Statement is submitted as listed on Form PTO-1449 enclosed herewith.

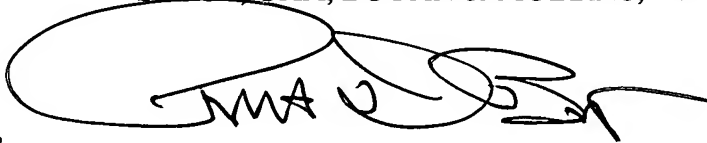
No representation is made that the reference(s) disclosed herein legally constitute prior art or that more relevant references are not available. The disclosure document(s) enclosed herewith and listed on the attached Form PTO-1449 are printed in the English language and/or accompanied by an Abstract published in the English language.

The reference(s) listed herein, when taken alone or in combination, are not believed to disclose nor make obvious the invention as claimed in the subject application.

As this Information Disclosure Statement is being submitted after three (3) months from the filing date of the application but before the mailing of a first Office Action on the merits, it is believed that no fee is required. However, in the event that any fee is properly deemed to be due in connection with this filing, the Commissioner is authorized to deduct such fee from Deposit Account No.50-0878.

Respectfully submitted,

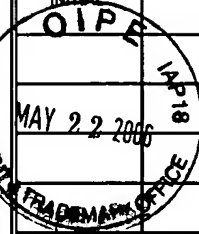
STOUT, UXA, BUYAN & MULLINS, LLP

A handwritten signature in black ink, appearing to read 'R. Buyan', is written over a large, hand-drawn oval. The signature is fluid and cursive.

Date: May 17, 2006

Robert D. Buyan, Reg. No. 32,460

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Email: rbuyan@patlawyers.com

Form PTO-1449		Docket No.: UCIVN-025US		Application No.: 10/530,603		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Applicant: Breen, Peter H.				
		Filing Date:		Group Art Unit:		
U. S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,180,057	11/14/1939	Jones			04/30/1938
	4,991,576	02/12/1991	Henkin et al.			10/11/1988
	5,398,675	03/21/1995	Henkin et al.			10/14/1992
	5,431,154	07/11/1995	Seigel et al.			04/16/1993
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
EXAMINER			DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						